

Book Review

Ian Ward. *The Trials of Charles I*, London, Bloomsbury, 2022, pp. 264, £ 80 *Hardback*, £ 26.99 *Paperback*

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The Trials of Charles I examines the most significant moments, episodes, and personalities that populated England in the period stretching from the English Civil War to the 1688–1689 constitutional settlement, via King Charles I's execution and Cromwell's Interregnum. In discussing these crucial constitutional events, the book displays cross-disciplinary ambitions. The first of them relates to how law and humanities may contribute to the writing of history, in general, and the writing of the trial, in particular. The book engages in this debate by adopting a pluralist stance: lying at the crossroads of law, art, literature, and social history, it addresses the manifold constitutional issues raised by the regicide of King Charles by enveloping his trial and execution within the broader political, social, and legal context of seventeenth-century England. In so doing, not only does it carefully assess the immediate context of the trial, but it also sets it 'within a larger history': "the 'trials' of Charles I", Ian Ward explains, "started well before November 1648, and finished long after; if indeed they have finished at all" (p. 4).

Placing the trial against these tumultuous events is a methodological choice with wider implications, which are also related to the second cross-disciplinary ambition of the book – namely, the "writing of history" (p. 1). Although "we are less comfortable with the idea that the historian" – not to mention the legal scholar – "is free to imagine things," the main (and compelling) argument underpinning this book is that "all history takes narrative form, and all history is written around contingencies" (p. 2). This ultimately accounts for *how differently* the history of the trial has been narrated over three and a half centuries. Such a historiographical variation is apparent in how, say, John Milton and Sir Edward Hyde portrayed the turbulent stage which is Stuart England. Milton's *Tenure of Kings and Magistrates* (1649) and *A Defence of the People of England* (1651), and Hyde's *History of the Rebellion* (published posthumous in 1704) are cases in point: although they possess flashes of revisionism, these writings claim historical "authenticity," inasmuch as their authors were both "part of the history they write" and "part of the history about which they write" (p. 198; see also pp. 130–137 and 175–176). This way of writing has had a long-lasting impact on later histories of the trial. Its legacy is manifest in the subsequent generations of historians, politicians, and writers that have been writing (and reworking) the history of seventeenth-century England.

The third ambition of the book refers to how history should be digested and explained. In a text like Ward's, cross-disciplinarity extends over the recount of the trial, which is thoroughly shaped by the context and its related socio-political variables. The book is therefore a larger history – but still a history – of the trial. In an unceasing interaction between law and history, it delivers a fresco where the grand narrative of seventeenth-century England is enriched by the *pétites histoires* of its protagonists.

From a legal perspective, the way Ian Ward masters seventeenth-century English history has threefold implications. The law is, first and foremost, the *context* within which the trial takes place. The trial is, no doubt, a legal event. It is, I daresay, the culmination of the conflict around the nature of kingship that had saturated the English politico-legal landscape in the first half of the seventeenth century. Ward perfectly epitomises it in chapter 1 (*The Casebook of Sir Edward Coke*), which begins by illustrating the divine right of kings as theorised by James I in *The Trew Law of Free Monarchies* (1598) and *Basilikon Doron* (1599). James's view of kingship was judicially challenged by Sir Edward Coke, the Jacobean Lord Chief Justice and author of the *Reports*. In his casebook, several cases touched on matters of kingship, often marking the "opening of Coke's 'offensive' against the jurisprudence of 'divine right'" (p. 14). Ward peruses, among the others, the *Case of Proclamation* (1611), *Prohibitions del Roy* (1607), the *Case of Commendams* (1616), the *Case of the Five Knights* (1627), which led to drafting the *Petitions of Rights* (1628). In revitalising the ancient common-law constitution, these legal materials constituted a toolbox of constitutional arguments which King Charles I would hear, again and again, in Westminster Hall during the trial in January 1649.

No doubt, the trial was a legal event; yet, Ward argues, "it was also something more". If I understand him correctly, it was also a spectacular event, where the *law* became *performance*. This feature is explored in chapter 2 (*The Triumphs of King Charles I*), which focuses on the person and kingship of Charles Stuart. The chapter delivers a thorough account of the King's conciliar rule (1629–1640), as well as of the vices and virtues of his court and of his Church, not to mention his catastrophic defeats of the 1640s. "Plenty more trials, in court, on the battlefield, in Parliament" (p. 8). But, Ward continues, the period also "chimed with the idea of monarchy as spectacle" (p. 41). With the skill of a talented social (and legal) historian, Ward leads us through the King's passions: paintings, literature, fashion, Court-masque, and his (as well as Archbishop Laud's) gusto for Romish rituals and Popish refurbishments of Protestant cathedrals and churches. Chapter 3 thus delivers what we might label an aesthetic of kingship and political power, which sharply contrasts with the state of English public finances and the religious, political, and economic grievances of his Protestant subjects.

In chapter 3 (*The Trial of Charles Stuart*), Ward perfectly stages the idea of the law as performance. The judicial proceedings leading to the regicide are arranged theatrically (and dramatically). Particularly when it comes to the King. As a man who loved theatre, Charles knew how to act, dress, and impress his audience. He was a man, in sum, able to take advantage of the stage. What strikes the reader is that the “King’s gambit” (p. 102), as Ward articulates it, extended well beyond the trial. With a bit of “early-day revisionism” (p. 111), several pamphlets started circulating immediately after the regicide with the aim of impressing a people orphan of their monarch. *Monumentum Regale, A Handkerchief for Loyal Mourners*, and *Eikon Basilike* lead us to conjecture the extent of Charles’s involvement in their writing and deliberate distribution in the aftermath of his death. “Charles as actor as well as Martyr” exhibited an impressive ability to re-write the past and write the future of England (p. 114).

Together with the Civil War, the Commonwealth, the Restoration, and the Glorious Revolution, the King’s indictment, trial, and beheading represented one of the major constitutional events that marked England’s jurisgenerative transition from a monarchy to an impracticable republic – and back again to a restored monarchical regime in 1660. As a jurisgenerative process, it was particularly bloody; a new constitutional system had to be reinvented, the shaping of which required a good dose of imagination. Both legal and literary. Which brings us to the law as *narrative*. Chapter 4 (*Milton’s War*) projects the trial and the regicide into the Commonwealth and the troublesome Cromwell’s succession up to the Restoration. The major character of this chapter is John Milton. His *The Tenure of Kings and Magistrates* represented the first “defence” of the nascent Republic. He was aware, Ward surmises, of the draft version of *Eikon Basilike*. “Milton knew what was pending; an appeal in the case of ‘King Charles the Martyr’” (p. 131). Likewise, Milton’s *Eikonoclastes* was published to rebut each chapter of *Eikon Basilike*. Its register, however, was completely different from that of *The Tenure*. Calm and engaging, the former; full of rage and anger, the latter: it was “personal and vicious, written to destroy an enemy who simply refused to die” (p. 135). The ghost of Charles was haunting the Republic. The diehard king was able to resist even *A Defence of the People of England* (1651), i.e. Milton’s third defence of the Republic; and, ultimately, the royal ghost defeated it and restored the monarchy.

Beginning with King James II’s coronation, chapter 5 (*The Histories of Edward Hyde*) brings the readers back and forth. They are brought forth, inasmuch as it examines the writing of the history of the trial, carefully perusing how it was perceived and staged well beyond the Reformation. At the same time, it brings us back to the main ambition of the book, that is, the “writing of history”. It does so by introducing Sir Edward Hyde, the restoration Lord Chancellor and author of the *History of the Rebellion*. Again, the pendulum swings between history as a narrative

written around contingencies and credibility. Credibility, I daresay, relies on the art of “trimming”, i.e. of shirking the “extremities”, since the “truth for the most part lies in the middle” (p. 168). The book is populated with trimmers, i.e. authors that are happy to reshape history. Hyde, Marvell, Burke, but also Coke and Milton felt the need to believe that they would be believed. What they did, Ward puts it, “is not, in the end, that different from what any other story-teller does” (p. 2).

The book is an intriguing journey that makes us critically rethink constitutional history and political thought, but it is also about the way these are written – or, as I have been upholding through this review –, *contextualised*, *performed*, and *narrated*. The quest for veracity and credibility is, probably, the most human way to come to terms with the uncomfortable fact that a King was actually executed. This, as Ward explains, had noticeable impact on how subsequent histories presented Charles I. There is no unique strategy when it comes to writing the history of the trials. Ian Ward decides to write them not only “in prose, but in poetry and performance” also, making it “a cultural event as much as a jurisprudential. And a spiritual” (p. 8).

The Trials of Charles I is therefore an essential contribution to the cross-disciplinary ambitions of law and humanities. The book provides anyone researching this field with a further strategic device, i.e. the staging of the law in broader society, avoiding bracketing it for the sake of our historiographical complacency. Examining the law in terms of *context*, *performance*, and *narrative* is thus an important contribution, as well as one that should encourage us to read and write history – all histories – as “a particular and prejudiced set of histories; like any other” (p. 8).